

THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RHODE ISLAND DEPARTMENT OF TRANSPORTATION

"RULES AND REGULATIONS CONCERNING PERMISSION
FOR USE OF STATE HIGHWAY RIGHTS-OF-WAY"



December 14, 1983
Retyped: June 26, 2000

Date: December 14, 1983

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**"RULES AND REGULATIONS CONCERNING PERMISSION
FOR USE OF
STATE HIGHWAY RIGHTS-OF-WAY"
PURSUANT TO RHODE ISLAND GENERAL LAWS, CHAPTER 24-8**

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1.0 **AUTHORITY AND PURPOSE**

1.1_ The following Rules and Regulations are promulgated to administer Chapter 24-8 of the Rhode Island General Laws of 1956, as amended, and supercede all previous Rules and Regulations adopted heretofore.

1.2 The purpose of these Rules and Regulations is to prescribe conditions pursuant to Rhode Island General Laws, Chapter 24-8, under which the Rhode Island Department of Transportation will allow access, in the following circumstances:

Curbs

Sidewalks

Highway Access

Stormwater Disposal

Construction Within the State Highway Right-of-Way

- 2.0 **POLICY** - It is the policy of the Rhode Island Department of Transportation that all construction and modification, over, on, under, or otherwise affecting the State Highway Right-of-Way will be regulated and controlled by the Rhode Island Department of Transportation for the best interest and safety of the public, and according to recognized engineering standards. In addition, it is the policy of the Rhode Island Department of Transportation to regulate and control all stormwater runoff to the state highway drainage system without regard to the location of the source of runoff.

- 3.0 **DEFINITIONS** - Except as otherwise indicated, the following definitions shall apply:
- 3.1 **Alteration:** Any change of existing conditions.
- 3.2 **Applicant:** Any individual, firm, corporation, partnership or agency, public or private, that has filed a Physical Alteration Permit Application.
- 3.3 **Application:** Physical Alteration Permit Application.
- 3.4 **Circular Driveway:** A Residential driveway with two (2) access openings on the same frontage.
- 3.5 **Commercial:** Relating to any property use other than for an individual, single-family dwelling.
- 3.6 **Construction Within the State Highway Right-of-Way:** The alteration of any structure, creation of any new structure or physical modification within the State Right-of-Way.
- 3.7 **Curb:** The edge of highway pavement.
- 3.8 **Department:** The Rhode Island Department of Transportation.
- 3.9 **Director:** The Director of the Rhode Island Department of Transportation, whose address is Room 210, State Office Building, Providence, Rhode Island.
- 3.10 **Driveway:** Opening to a highway that permits ingress and/or egress by vehicles.
- 3.11 **Driveway Types:**
- 3.11.1 **Residential:** A driveway leading to an individual, single-family dwelling.
- 3.11.2 **Commercial:** Any driveway that is not a driveway to an individual, single-family dwelling.
- 3.12 **Permission:** Approval by the Rhode Island Department of Transportation of a Physical Alteration Permit Application.
- 3.13 **Landscaping:** Landscaping shall include the Physical Alteration of the existing outdoor areas through the planting of shrubs, trees, and ground covers, the placing of sod or seed, and/or the removal or pruning of existing plant materials (i.e. shrubs, trees, and ground covers).
- 3.14 **Permit:** Physical Alteration Permit.

- 3.15 **Permittee:** Recipient of a Physical Alteration Permit.
- 3.16 **Residential:** Relating to an individual, single-family dwelling.
- 3.0 **DEFINITIONS** - Continued
- 3.17 **Roadway:** A means of vehicular access to a State Highway Right-of-Way that serves more than one, single-individual family dwelling or commercial establishment.
- 3.18 **Rural:** All locations not included under the Urban definition shall be considered Rural.
- 3.19 **Setback:** The lateral distance between the State Highway Right-of-Way line and a roadside building, gasoline pump curb base, display stand or other object, the use of which will result in space for vehicles to stop or park between such facilities and the State Highway Right-of-Way.
- 3.20 **State Highway Right-of-Way (R.O.W.):** Land and space acquired for, or dedicated to, highway use.
- 3.21 **Sidewalk:** Area beside a roadway available for pedestrian use regardless of the existence of pavement.
- 3.22 **State Road (State Highway) Drainage System:** The network of culverts, ditches, pipes, swales, gutters and other man-made and natural courses for draining stormwater runoff from State Highways.
- 3.23 **Urban:** An area, either incorporated or unincorporated, which has been developed primarily for residential and/or business purposes. An Urban area is generally characterized by: speed limits of 40 miles per hour or less, streets or highways are generally curbed, and at least fifty (50) percent of the frontage on one side of the highway within one-half mile of the site for which a permit has been requested is developed with residences and/or businesses.
- 3.24 **Gender of Words:** Every word importing the masculine gender only, shall be construed to extend to and include females as well as males.

4.0 **PHYSICAL ALTERATION PERMIT PROCESS**

- 4.1 Anyone seeking the permission of the Director as described herein by these Regulations, shall follow the procedure delineated below pursuant to Rhode Island General Law, Sections 24-8-9, 24-8-33 and 24-8-34.
- 4.2 No person, firm, corporation, or agency may place or alter curbs, make a connection to, or pump or drain water to, the State Highway drainage system, or in any way make any alteration to the State Highway system without first obtaining a Physical Alteration Permit.
- 4.3 No access by driveway to a State Highway will be made without first obtaining a Physical Alteration Permit.
- 4.4 An applicant may obtain the Physical Alteration Permit Application at a Department of Transportation, Maintenance Division facility. At the same time, the applicant should become familiar with the applicable Regulations and Standards to avoid a resubmission fee. These Regulations and other Standards will be available for review at said facility during normal business hours.
- 4.5 Upon completion of the application, the applicant will then file the completed Physical Alteration Permit Application with all necessary copies of plans and computations required for the type of access as prescribed in these rules. Applications should be filed at any Division of Maintenance facility.
- 4.6 When the application is submitted, the applicant must provide written proof that the City Engineer or Building Inspector of the affected municipality has received copies of plans describing the proposed alteration. This is not a requirement to obtain a Building Permit before applying for a Physical Alteration Permit but assurance that the local government has been apprised of the applicant's intention.
- 4.7 For any applications relating to a commercial alteration, all computations, plans and statements must be approved and stamped by a Registered Professional Engineer. If there is no drainage effect on the State Highway drainage system, the stamp of a Registered Land Surveyor will be an acceptable substitute. Professional stamps may be required for individual, single-family dwellings at the discretion of the Maintenance Division.
- 4.8 Any alteration that affects drainage within the State Highway Right-of-Way will require the stamp of a Registered Professional Engineer.
- 4.9 After the applicant has submitted the required materials, the application will, within a reasonable time, be reviewed by Department staff personnel.
- 4.10 During the review process, the applicant must, at his own expense, provide any additional information relevant to the proposed access requested by the Department.

4.0 **PHYSICAL ALTERATION PERMIT PROCESS** - Continued

- 4.11 As a result of the review, the application will be either approved as submitted within standard conditions, approved with additional conditions, or denied as submitted. The applicant will be notified by mail of the decision.
- 4.12 An applicant dissatisfied with the decision of the Department may appeal to the Director. The appeal must be in writing, and submitted to the Director within ten (10) days of the receipt of the decision. The appeal must include a copy of the decision.

5.0 **FEES**

5.1 No application, or resubmission of a denied application, for a Physical Alteration Permit will be accepted from any person, firm, corporation, or other entity without fee payment. Federal, State and Municipal Governments are exempt from fee payments.

5.2 Payment must be in the form of check or money order made payable to R.I.D.O.T. - P.A.P. Program. CASH WILL NOT BE ACCEPTED.

5.3 Per Submission:

Residential:	\$25.00
Commercial:	\$100.00

5.4 Fees are not refundable.

5.5 The permit obtained is valid for one year from date of issuance. This permit may be renewed for one additional year at no cost by requesting an extension in writing, including a statement that conditions have not changed from the initial submission. A second extension may also be obtained by complying with the conditions for the first extension and paying an additional submission fee. No additional extensions will be permitted.

6.0 **GENERAL RESTRICTIONS**

- 6.1 A Physical Alteration Permit is required prior to any construction in, access to, or alteration in, the State Highway Right-of-Way.
- 6.2 **Right-of-Way Encroachment:** No part of the State Highway Right-of-Way is to be used for servicing of vehicles, displays, or for private business. The area between the pavement and the limit of the Right-of-Way (Buffer Area) shall be clear of buildings, sales exhibits, signs, parking areas, service equipment and appurtenances thereto. Notwithstanding, use by police, emergency vehicles and for emergencies is acceptable at all times.
- 6.3 **Parking:** Each roadside facility will provide sufficient parking or storage space off the State Highway Right-of-Way to prevent the storage of vehicles on the driveway or the backing up of traffic onto the travel lanes or shoulders.
- 6.4 **Setbacks:** Driveway access will not be permitted where sufficient setback is not available to prevent parking, stopping, and maneuvering within the State Highway Right-of-Way in the operations of a commercial enterprise. This generally means at least ten (10) feet from the State Highway Right-of-Way to the subject facility for operations of vehicles parallel to the centerline of the adjacent highway, and at least forty (40) feet from the State Highway Right-of-Way to the subject facility for operation of vehicles perpendicular to the centerline of the adjacent highway.
- 6.5 **Location of Driveways:** Driveways shall be so located as to result in no undue interference with, or hazard to, the free movement of normal highway traffic. To minimize congestion, and provide adequate safeguards for the public safety, driveway locations shall be avoided near intersections and rotaries. Also to be avoided are locations that would interfere with the placement and proper function of highway signs, signals, lighting or other devices that affect traffic operations.
- 6.6 **Protection of the Traveling Public:** The Permittee shall properly safe-guard all work performed under permit and maintain sufficient working light, Rhode Island Standard Details signs and safety devices. Traffic control shall be provided by the Permittee according to the standards of the United States Department of Transportation Federal Highway Administration "Manual On Uniform Traffic Control Devices For Streets And Highways" as amended. This protection will be maintained until the project has been completed.
- 6.7 **Protection from Suits:** As a condition of receipt of a permit, the Permittee shall defend, indemnify, protect and save harmless the State and its agents, servants and employees from and against any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of, any act, error or omission of the Permittee, its agents, servants and employees in the performance of work covered by this permit. At the discretion of the Department of Transportation, a performance bond may be required.

6.0 **GENERAL RESTRICTIONS** - Continued

- 6.8 **Land Use Change:** Should the use of property with legal access to a State Highway be altered or should its present use cause expansion of traffic, a reassessment by the Rhode Island Department of Transportation of the use of the openings and impact on drainage shall be accomplished through the Physical Alteration Permit process.
- 6.9 **Landscaping:** There will be no landscaping on or over the State Highway Right-of-Way without prior written approval by the Rhode Island Department of Transportation. This permission will be obtained through the Physical Alteration Permit process, including a site grading plan locating, naming and describing the desired arrangement, including the ultimate size of the plants involved.
- 6.10 **Control Dimensions:** All driveway access to a State Highway Right-of-Way must conform to the Control Dimensions published in Section 13 of these Rules and Regulations.

7.0 **CONSTRUCTION WITHIN THE RIGHT-OF-WAY**

- 7.1 All construction within the State Right-of-Way will conform to procedures and specifications delineated in the “State of Rhode Island and Providence Plantations, Department of Transportation, Division of Public Works, Standards and Specifications for Roads and Bridge Construction, and Standard Details,” including all revisions
- 7.2 Absolutely no construction will take place within the State Highway Right-of-Way without a Permit having been issued approving the construction.

8.0 **DRIVEWAYS**

- 8.1 After adoption of these Rules and Regulations, driveway access to the State Highway Right-of-Way shall not be allowed without a Physical Alteration Permit.
- 8.2 Where a driveway is provided to a commercial establishment from a State Highway Right-of-Way, the buffer area and adjacent border area shall be reasonably cleared so that either the establishment itself or an appropriate sign located outside the State Highway Right-of-Way can be seen at sufficient distance to enable proper and safe maneuvers on the part of drivers desiring to enter or leave the establishment.
- 8.3 The driveway profile of a driveway and the grading of the buffer area shall be such that a driver desiring to enter a State Highway can see a sufficient distance in all directions along the highway to enable him to enter or leave the highway without creating a hazardous situation. This may require installation of a circular driveway.
- 8.4 Where a circular driveway is requested by a Residential applicant, certain conditions must be met.
 - 8.4.1 The minimum frontage on a State Highway where a circular driveway will be permitted is seventy (70) feet.
 - 8.4.2 The interior edges of the driveways must be spaced at least thirty-five (35) feet apart at the State Highway Right-of-Way line.
 - 8.4.3 The driveway openings shall be between ten (10) and twelve (12) feet wide.
 - 8.4.4 All other control dimensions apply.

9.0 **CURBING**

- 9.1 No permit shall be issued unless the applicant's plans conform to "Rhode Island Department of Transportation, Division of Public Works, Rhode Island Standard Details Chapter 7" as applicable. These Standard Details are available at the Division of Maintenance, 90 Calverly Street, Providence, Rhode Island.
- 9.2 The Department may require that the Permittee place Portland Cement Concrete or Bituminous Cement Concrete curbing in the cases where traffic channelization, control and public safety are concerned. This placement will be done by the Permittee at his own expense.
- 9.3 Where curb is to be altered at a corner, wheelchair ramps shall be installed.

10.0 **SIDEWALKS**

- 10.1 Any alteration to a sidewalk adjoining a State Highway within a State Highway Right-of-Way requires a Permit.
- 10.2 In any access that cuts a sidewalk, curb returns and transition curbs will be placed as necessary to maintain the integrity of the sidewalk.
- 10.3 In any location where the sidewalk is crossed, the sidewalk shall either be graded to accommodate wheelchairs, or precast wheelchair ramps shall be installed. Wheelchair ramp grading shall be done in accordance with American National Standards Institute A117.1 (1980) as revised and adopted by the State Building Code Commission.

11.0 **ACCESS - ROADWAYS**

- 11.1 Any road, municipal or otherwise, that will, by design, construction or reconstruction, intersect a State Highway Right-of-Way, must be approved through application for and issuance of a Physical Alteration Permit.
- 11.2 For any roadway intersecting a State Highway Right-of-Way, in addition to the Physical Alteration Permit Application with its required submissions, a traffic study and capacity analysis prepared by a Registered Professional Engineer will also be required. Any data not available from the Rhode Island Department of Transportation will be the responsibility of the applicant.

12.0 **DRAINAGE**

- 12.1 It shall be unlawful for any person, firm or corporation to make any connection into a State road drainage system, or to drain or pump water onto the traveled surface of a State Highway without first obtaining written permission from the Director of the State Department of Transportation.
- 12.2 When the Permittee intends to grade his property to highway grade, the Permittee must make provision, at his own expense, for disposition of highway drainage by installing pipe, inlets, catch basins, manholes, headwalls and ditches of proper size and material as may be necessary, in the Department's determination, to protect the State's drainage rights.
- 12.3 Where the construction of a driveway necessitates crossing a State Highway drainage ditch, a culvert pipe shall be installed in the ditch by the Permittee at his own expense. The culvert shall be no less than twelve inches in diameter, and of sufficient size to carry the stormwater runoff from a twenty-five (25) year storm, as determined by the National Oceanic and Atmospheric Administration, for the watershed area. Under no circumstances will existing ditches, swales or gutters be filled without adequate alternate provisions for drainage being made and approved through application for and issuance of a permit.
- 12.4 The applicant, in the case of commercial applications, is required to submit detailed computations and site-grading plans for drainage conditions existing and proposed when applying for a Physical Alteration Permit. These computations should be made considering a storm of 10-year frequency with a duration equal to the time of concentration. These computations and plans should be approved and stamped by a Registered Professional Engineer. If storm drainage will not affect the State Highway drainage system, a statement of no impact should be submitted with a Physical Alteration Permit Application approved and stamped by a Registered Professional Engineer, or a Registered Land Surveyor when the property in question is graded away from the State Highway Drainage System.
- 12.5 Drainage Appurtenances - All facilities, pipes, drains, catch basins, manholes and other appurtenances will be as indicated in "Rhode Island Department of Transportation, Division of Public Works, Standard Details."

13.0 **CONTROL DIMENSIONS** (Letters in parentheses are keyed to example drawings at the end of this Section.)

13.1 **Driveway Angle, Rural and Urban (D)** - Angle measured from centerline of highway to centerline of driveway: For two way operation - 90 degrees recommended and 60 degrees minimum. For one way operation - if used by vehicles in both directions of travel on highway, same as two way use, right turn only; 60 degrees maximum and 45 degrees minimum.

13.2 **Driveway Width, Rural and Urban (W)**

Residential: 10 Feet - Minimum
 20 Feet - Maximum

Commercial: 20 Feet - Maximum for one way use.
 35 Feet - Maximum for two way use.

13.3 **Edge Clearance (E)** - General: All portions of the driveway shall be within frontage boundary lines. For driveways with angles of about 90 degrees, the edge clearance shall not be less than the radius of curvature (R) for the junction of the driveway and pavement edges.

Rural Residential: 15 Feet - Minimum
Rural Commercial: 20 Feet - Minimum

Urban Residential: 2 Feet - Minimum
Urban Commercial: 10 Feet - Minimum

13.4 **Radius of Curvature of Junction of Driveway and Pavement Rural or Urban (R)**

Residential: 2 Feet - Minimum
 10 Feet - Maximum

Commercial: 5 Feet - Minimum
 30 Feet - Maximum

13.5 **Corner Clearance (C)**

Rural: 40 Feet - Minimum
Urban: 20 Feet - Minimum

Where there are traffic signals at the intersection, the near side edge clearance shall be twice the far side.

13.6 **Driveway Profile** - (See Figure 4)

13.0 **CONTROL DIMENSIONS** - Continued

13.7 **No Highway Edge Curb, Cut Section**

- (1) From edge of pavement to the edge of the shoulder, the gradient should be the same as the shoulder pitch.
- (2) From outer edge of shoulder to low point at ditch line of open culvert edge of shoulder to low point at ditch line or open culvert, maximum downward gradient, 8%
- (3) Beyond ditch line, maximum gradient 8% for commercial driveways, 15% for others.

13.8 **No Highway Edge Curb, Fill Section**

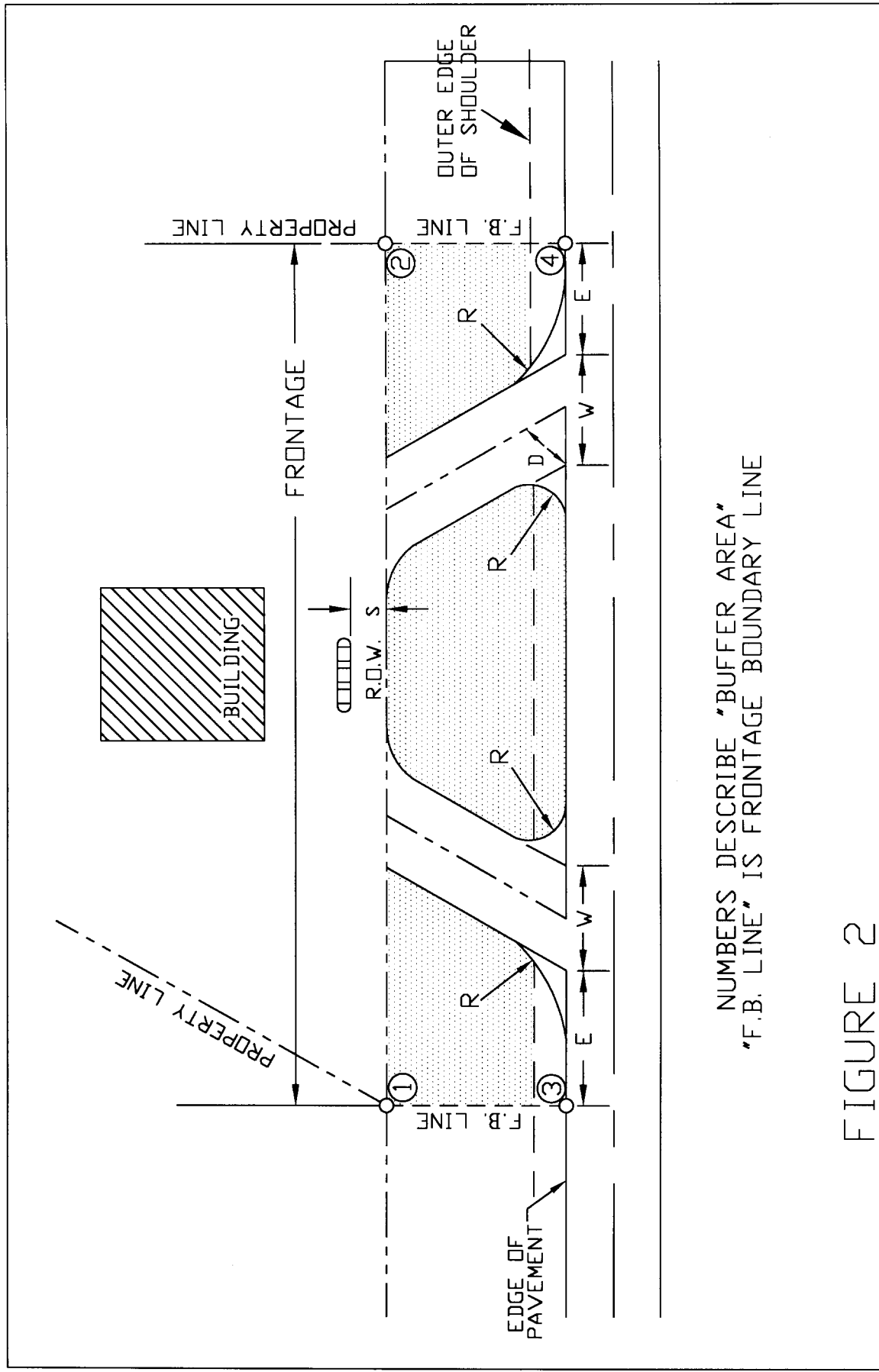
- (1) Slope across shoulder, gradient same as shoulder gradient.
- (2) Beyond outer edge of shoulder, maximum gradient 8% for commercial, 15% for others; vertical curve: As flat as feasible. To prevent drag, vertical curves shall not have a hump or dip greater than 6 inches within wheelbase length of 10 feet. Crest vertical curves shall not exceed a 3½ inch hump in a 10 foot chord, and sag vertical curves shall not exceed a 2 inch depression in a 10 foot chord.

13.9 **Driveways with a Two Foot Radius** - All driveways with a two foot radius shall have curb returns conforming to “Rhode Island Department of Transportation, Division of Public Works, Standard Details.”

13.10 **Exceptions** - Exceptions to the control dimensions and general restrictions may be granted. These exceptions must be approved by the Assistant Director for the Division of Maintenance for all individual, single-family dwelling cases, and by the Assistant Director for the Division of Public Works in all other cases.



FIGURE 1



NUMBERS DESCRIBE "BUFFER AREA"
 "F.B. LINE" IS FRONTAGE BOUNDARY LINE

FIGURE 2

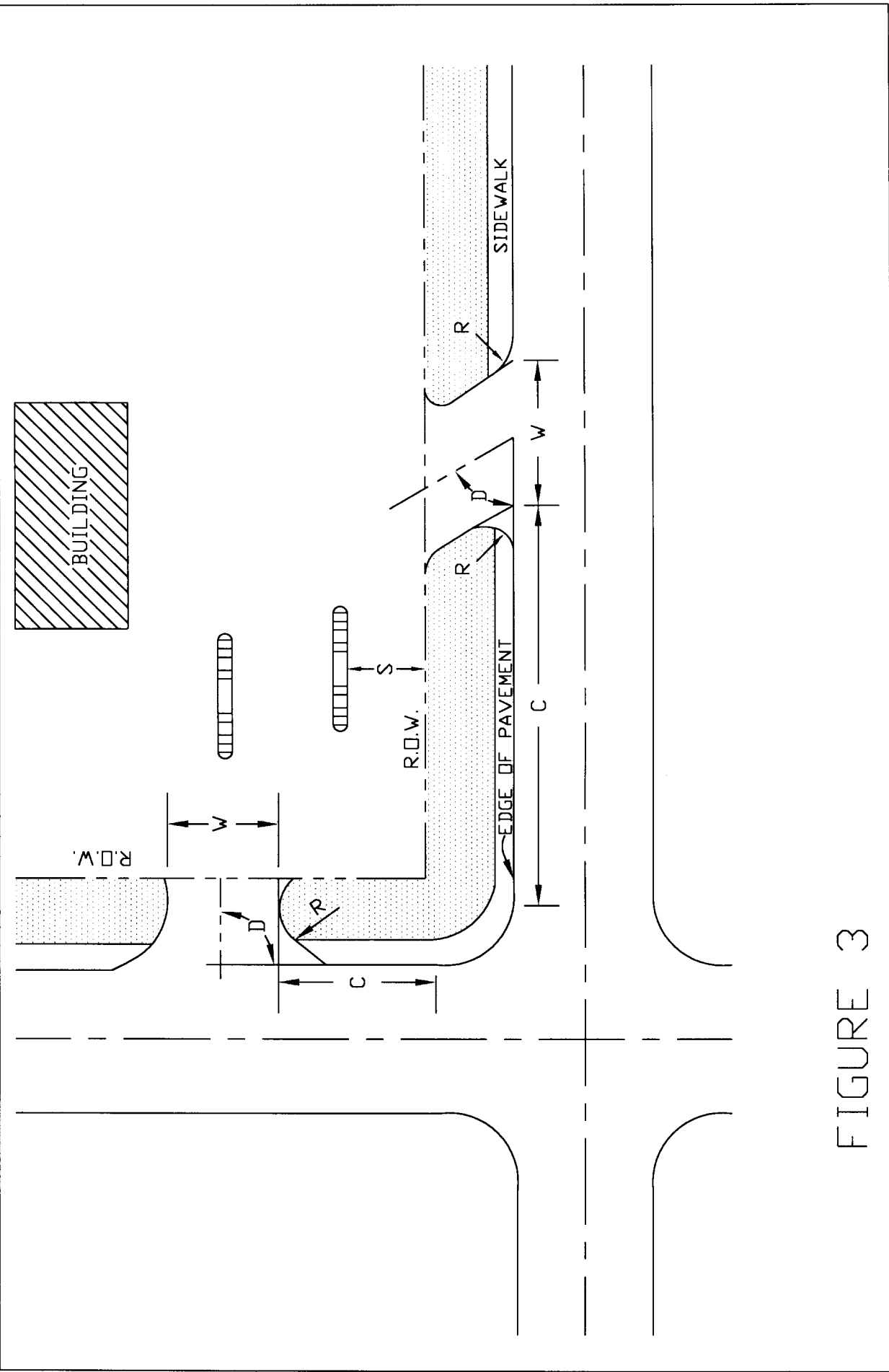
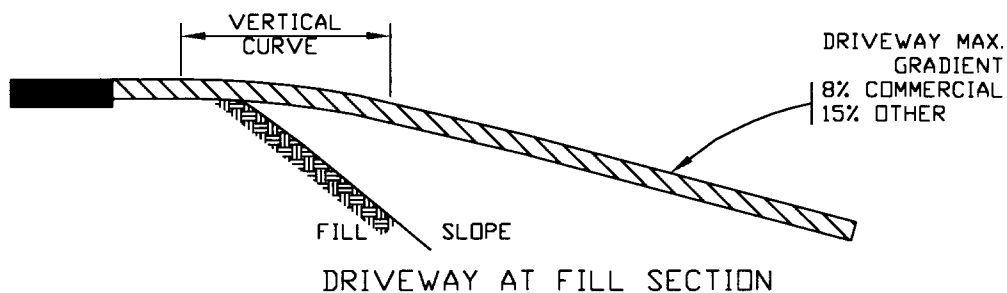
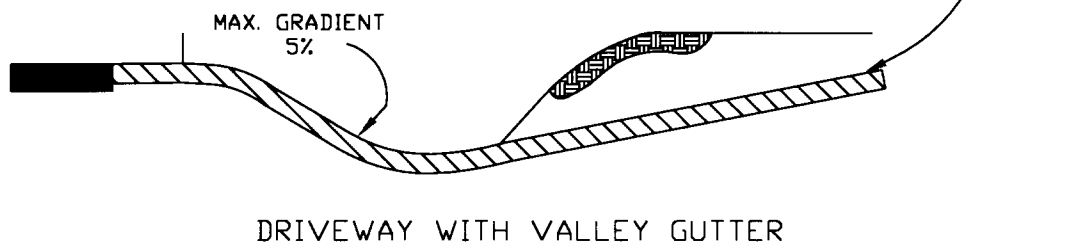
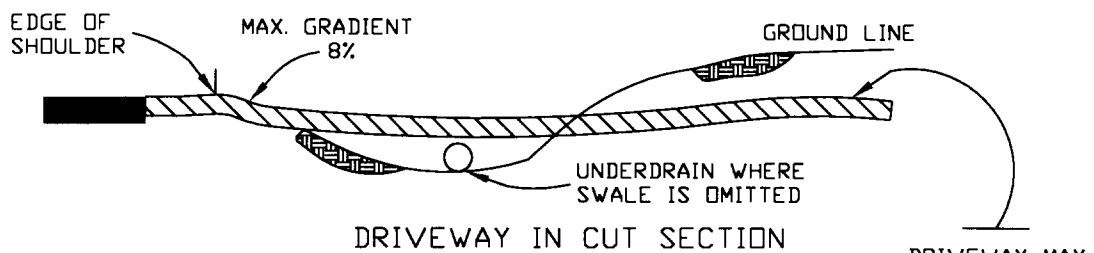
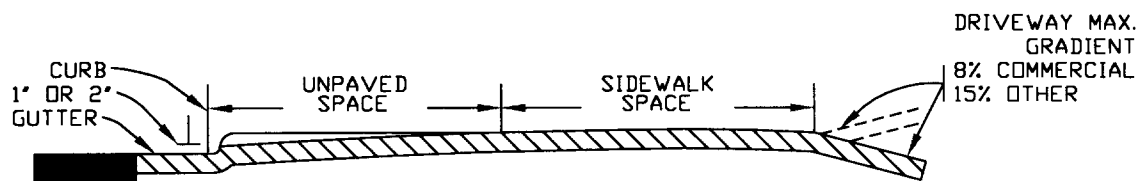


FIGURE 3



WITHOUT HIGHWAY EDGE CURB

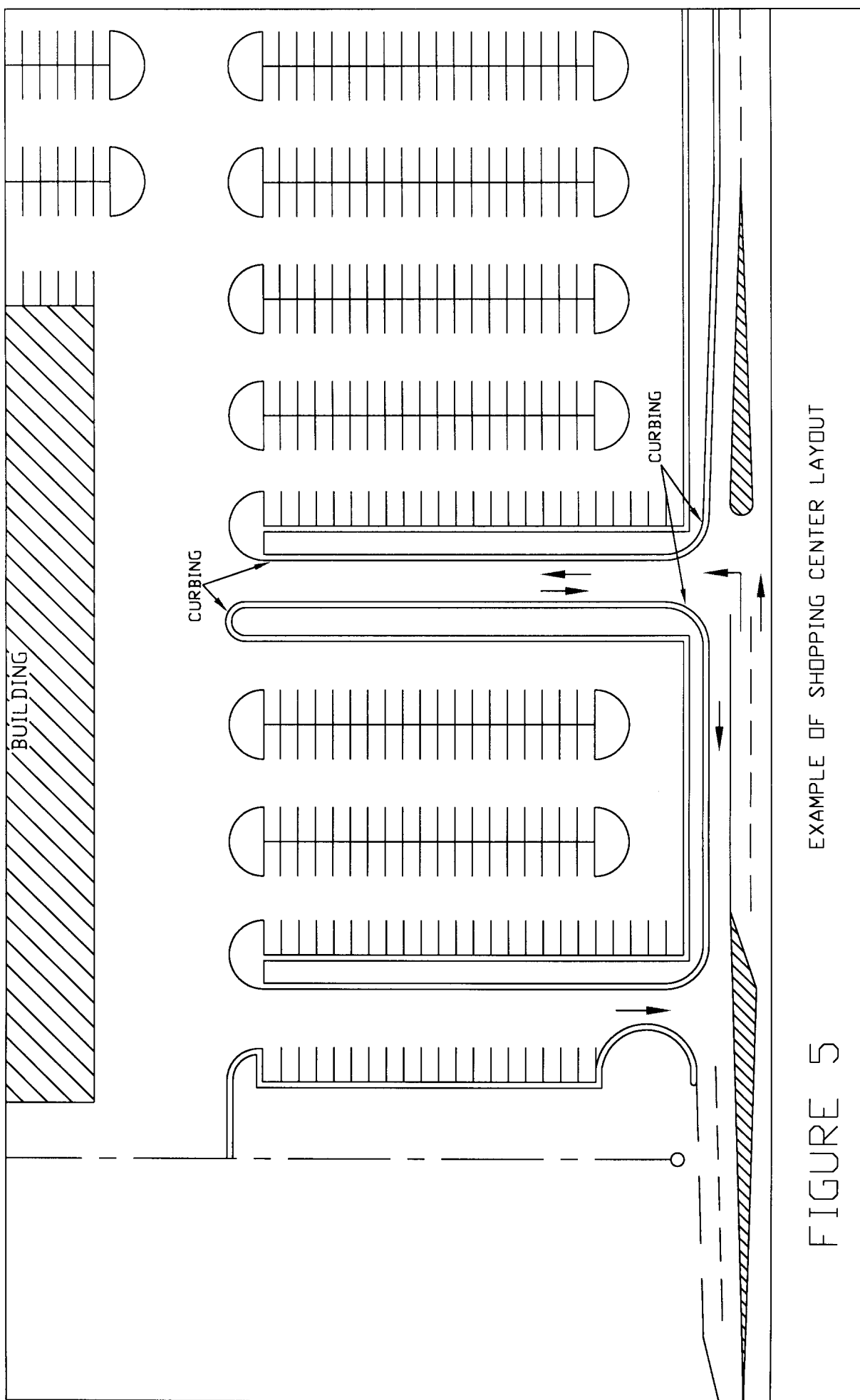


DIFFERENCE BETWEEN GRADIENT OF DRIVEWAY AND CROSS SLOPE OF PAVEMENT SHOULD NOT EXCEED 10%

WITH HIGHWAY EDGE CURB

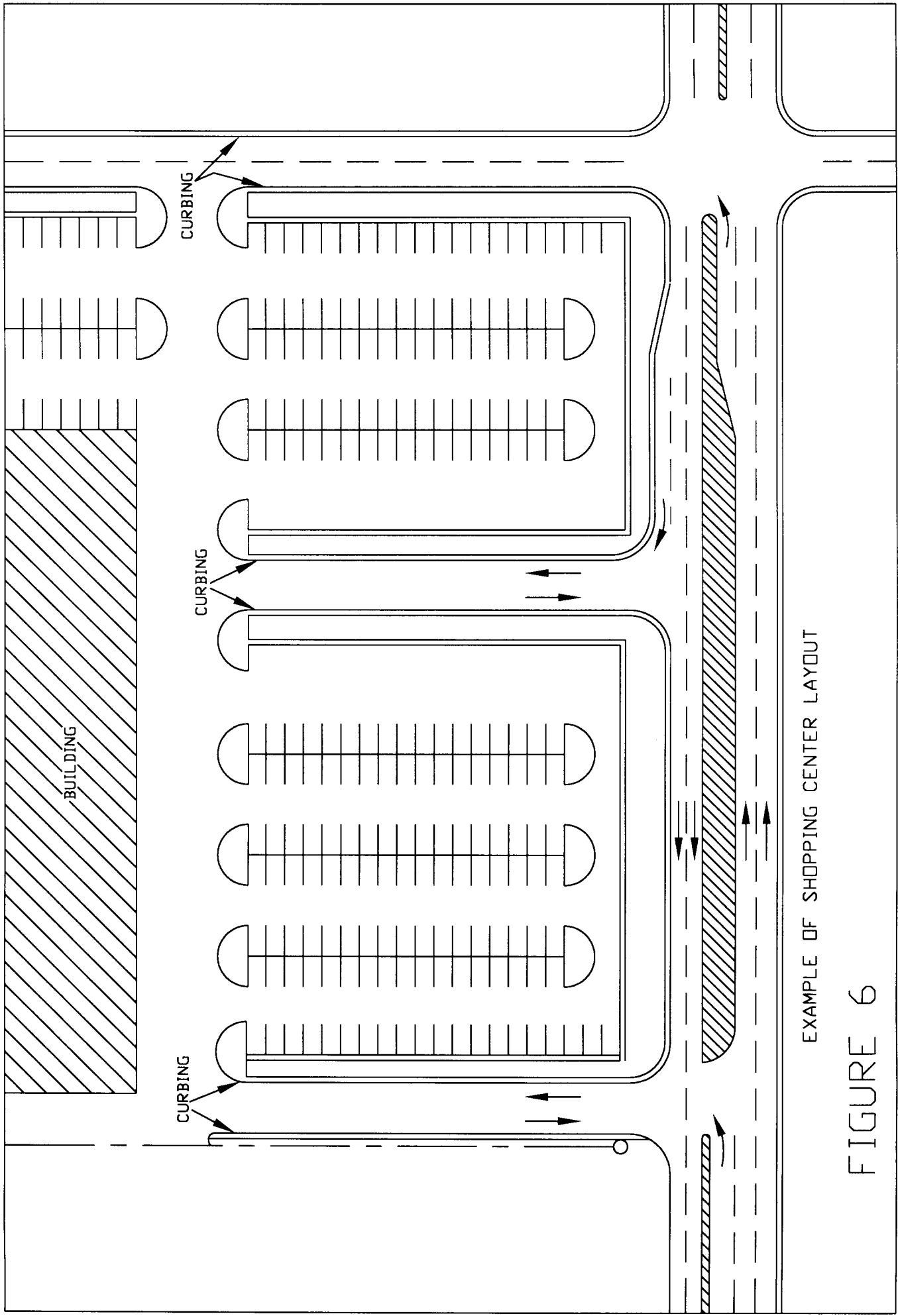
DRIVEWAY PROFILE CONTROLS

FIGURE 4



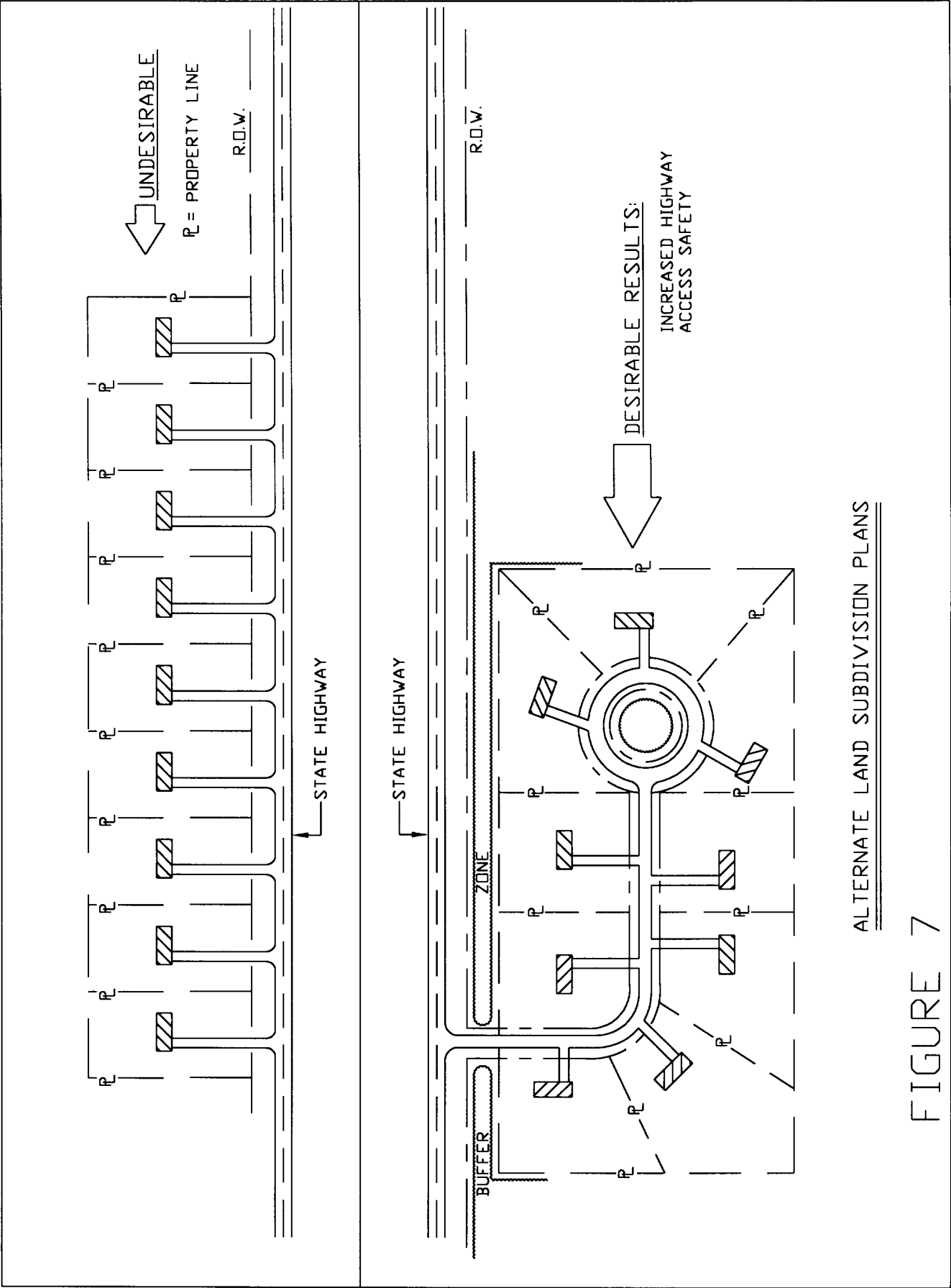
EXAMPLE OF SHOPPING CENTER LAYOUT

FIGURE 5



EXAMPLE OF SHOPPING CENTER LAYOUT

FIGURE 6



ALTERNATE LAND SUBDIVISION PLANS

FIGURE 7

CERTIFICATION

I hereby attest that the within seventeen pages of Rules and Regulations Concerning Permission For Use Of State Highway Rights-of-Way have been adopted by the Department of Transportation and are true copies.

Date

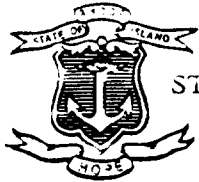
12/16/83

W. Edward Wood

Director

Rhode Island Department of
Transportation





STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island Department of Transportation
ENGINEERING DIVISION

Two Capitol Hill, Rm. 226

Providence, RI 02903-1124

PHONE 401-222-2023

FAX 401-222-3435; TDD 401-222-4971

February 25, 1999

Subject: Physical Alteration Permit Application Review
Impacts to State Drainage System

To All Project Engineers:

Our records indicate that you or your firm has submitted a commercial Physical Alteration Permit Application (PAPA) to the Department within the last calendar year. Therefore, we would like to inform you of some new guidelines to be followed in all future submittals.

As you are aware, the Department reviews impacts to the State Drainage System as part of the PAPA process. Since the inception of the "Rules and Regulations concerning Permission for use of State Highway Rights-of-Way" in December of 1983, our review has attempted to ensure that there be no net increase to the peak flow leaving the site and entering the State system. This protected the Departments investment by not allowing additional water into our system until after peak flows had passed. Recently, however, we are noticing that the total volume of water over time has become a serious issue in certain instances. In particular, problems can arise when our outfall does not drain directly into a large receiving body of water, but onto private property where there may or may not be an established drainage easement.

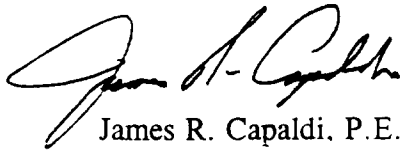
Therefore, effective immediately, the Department will allow no increase over existing conditions to the total volume of water entering the State Drainage System in a 10-year storm, unless the applicant can demonstrate unconditionally that there will be no impact to the receiving body(ies). In addition, if a connection to the state drainage system is proposed, the applicant will be required to address water quality impacts through incorporation of special drainage structures such as vortechs, and storm ceptors, and through use of Best Management Practices (BMP's). Design and construction of all stormwater mitigation shall be in accordance with the State of Rhode Island "Stormwater Design and Installation Standards Manual" by the RI Department of Environmental Management (RIDEM) and the RI Coastal Resources Management Council (RICRMC).

We would also like to take this opportunity to formalize another requirement that has become necessary recently. For all PAP's involving drive-thru coffee/donut establishments or drive-thru car washes, the applicant must demonstrate that there is adequate space available to stack a minimum of ten (10) vehicles on site. This is to diminish the likelihood of vehicles stacking out into the State Highway and potentially blocking lanes of travel. For any other type drive-thru establishment (sandwich restaurant, pharmacy, banks, etc.) which does not typically exhibit such dramatic usage peaks; adequate space to stack a

minimum of five (5) vehicles on site must be demonstrated. In both cases above, the stacking space shall be measured from the order board or first point of contact with the business.

The requirements detailed above will be effective as of the date of this letter. Should you have any questions relative to these issues, please contact Mr. Robert A. Smith, P.E., of our Engineering Division at 222-2023 ext. 4023.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Capaldi".

James R. Capaldi, P.E.
Chief Engineer

RAS/cad

cc: Messrs. Capaldi, Parker, ~~Bennett~~, Farhoumand, Annarummo, Flanders, Jackvony, Fielding and file